



United States Department of the Interior

FISH AND WILDLIFE SERVICE

FYI

FISH AND WILDLIFE SERVICE
WASHINGTON, D.C. 20240

In Reply Refer To:
FWS/ES

FEB 1 - 1980

Mr. R.S. Kaufman
U.S. Nuclear Regulatory Commission
Division of Waste Management, 483-SS
Washington, D.C. 20555

Dear Mr. Kaufman:

We have reviewed your environmental report on the Olge Petroleum, Inc. River Basin Project in Situ Uranium Mine, Fremont County, Wyoming. Our comments are intended solely to help you in the subsequent preparation of a draft Environmental Impact Statement (DEIS).

In the third paragraph on page 215, you state that the area is marginal habitat for wildlife and indicate that wildlife will simply move to an adjacent area when disturbed by your project. This is a common misconception. Although it is true that the area disturbed is small, and the impacts will be limited, the adjacent habitat invaded by dislocated animals is already supporting wildlife at the level it is capable of supporting. Crowding additional wildlife onto it will cause population pressures for some species involved, until these populations adjust to the reduced levels supportable by the remaining habitat in the immediate area. This should at least be recognized.

In the second paragraph on page 251, you indicate there will be no operational monitoring for wildlife. We are concerned about the possibility of waterfowl and other wildlife using or coming in contact with your wastewater-evaporation ponds. This should be prevented. Also, could some of these wastes eventually reach groundwater aquifers and perhaps ultimately affect fish, wildlife, or other natural environmental resources? These questions should be addressed in the DEIS.

In your list of wildlife species that potentially may inhabit the area, you include white-tailed and black-tailed prairie dogs. These rodents could provide habitat for the black-footed ferret (an endangered species) which you do not list. The black-footed ferret, which preys on prairie dogs and also uses their tunnels for cover, is found almost exclusively in association with prairie dog colonies (see attached map for historical ferret sightings). You also list the endangered peregrine falcon. The Endangered Species Act Amendments of 1978 (ESAA) require Federal agencies to request a list of threatened and endangered species that may occur in a


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project construction area and to conduct a biological assessment on any species listed by the Service. If a listed species may be affected, formal consultation must be requested from the Fish and Wildlife Service.

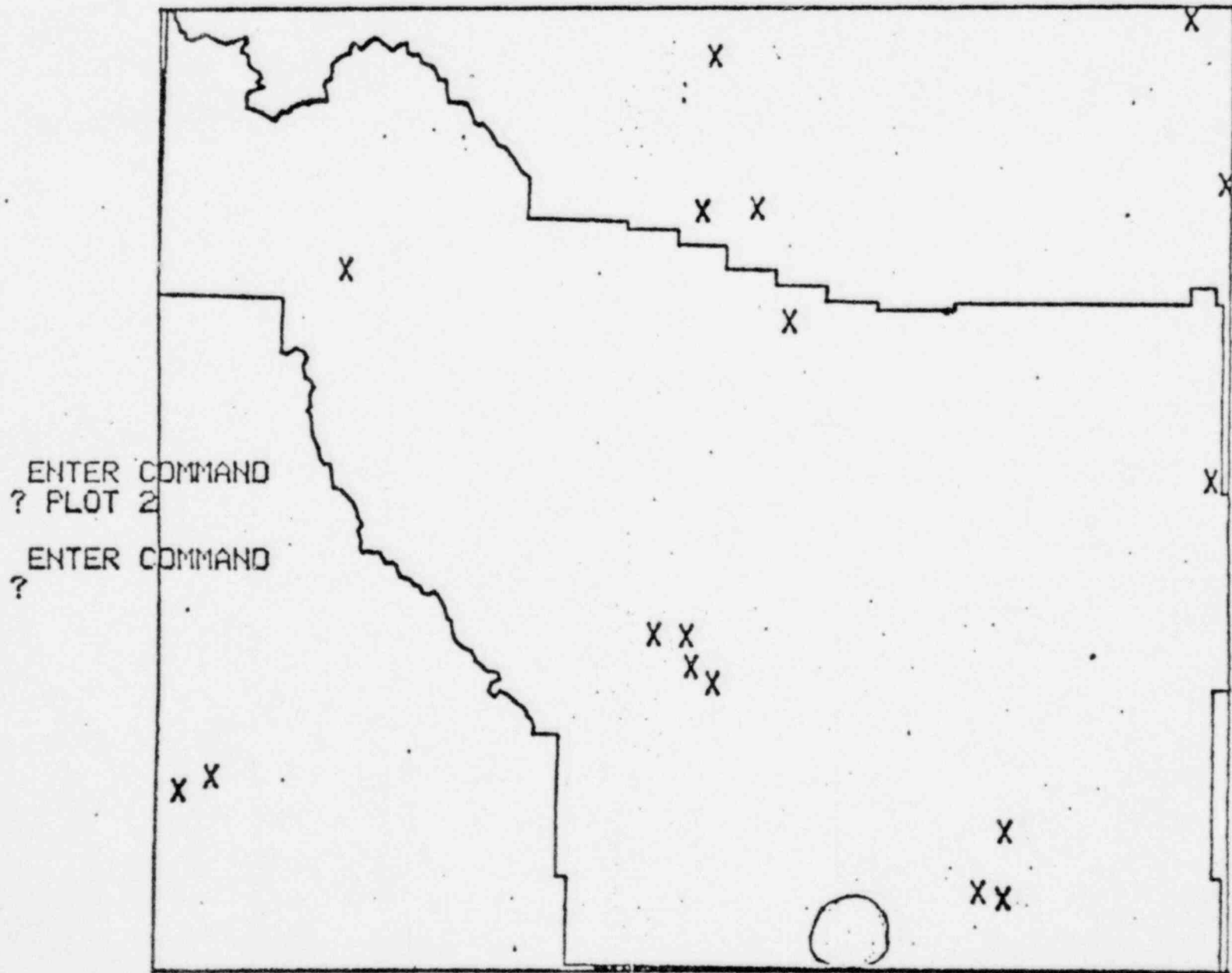
Thank you for the opportunity to review and comment on your environmental report at an early stage in project planning. If I can be of further assistance, please let me know.

Sincerely yours,


Acting Associate
Director

Enclosure

Ferret Sighting Sites



ENTER COMMAND
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X = Ferret Sightings
O = Approximate Plant Site

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ENDANGERED AND THREATENED SPECIES ASSESSMENT
FOR THE NINE MILE LAKE URANIUM RECOVERY PROJECT
NATRONA COUNTY, WYOMING

1. Name of Project and Applicant

Nine Mile Lake Uranium Recovery Project
Rocky Mountain Energy Company
4704 Harlan Street
Denver, Colorado 80212

2. Location

Refer to Section 1.1 and Plate 1.1-1 in the Nine Mile Lake Environmental Report.

3. Important Dates (Estimated Start and End of Project)

Start project construction:	3rd quarter 1980
Complete mining and production:	1994
Complete final reclamation:	1999

4. Description of Proposed Project and its Purpose

Refer to Section 1.1 in the Nine Mile Lake Environmental Report.

5. Identification of the listed or proposed endangered or threatened species and any legally determined critical habitat, or any habitat considered to be essential to the species which may be present in the area influenced by construction

Baseline data were collected during five seasons and 146 hours of field work during 1978 and 1979 by a professional wildlife biologist from Dames & Moore, the applicant's consultant. This study included four aerial surveys of the site and vicinity. The area flown is indicated on Plate 2.6-3 of the Environmental Report. During these flights, no Bald Eagles or Peregrine Falcons were observed. Moreover, there are no historical records of either species nesting in the area. The closest good nesting habitat is 20-30 miles away (Personal Communication, Mr. Bob Oakleaf, Nongame Bird Biologist, Wyoming Game and Fish Department, Lander, Wyoming, October 1979). There is no legally defined critical habitat for either species on the project site.

Approximately 200 Bald Eagles roost in the Casper area each winter. They potentially could use the project site for scavenging. Additionally, Peregrine Falcons pass through the Casper area each year during migration. There is a chance they too might feed in the area (Personal Communication, Mr. Bob Oakleaf, 1979). This would be especially true during the spring when waterfowl and shorebirds might be found on Nine Mile Lake.

There is no legally defined critical habitat for Black-footed Ferrets on the site. However, a Black-tailed Prairie Dog town does exist at the south end of Nine Mile Lake more than one-half mile from the area to be directly affected by mining activities. The burrows in this town were sparsely scattered (fewer than two active burrows per acre), and the most prairie dogs seen at any one time was eight. Although the exact size of a prairie dog town necessary to support a Black-footed Ferret is not known (Personal Communication, Mr. Conrad Hillman, Wildlife Biologist, U.S. Fish and Wildlife Service, July 1979), it was the opinion of the Dames & Moore biologist working on the project that the prairie dog colony did not have enough individuals in it to support a Black-footed Ferret. Additionally, observations made during the field work did not indicate a Black-footed Ferret to be present. The most recent sightings reported occurred in July 1974 and in May 1976 at locations more than 80 miles from the Nine Mile Lake site.

6. An assessment of the potential impacts of construction and mining activities on the listed or proposed species or critical habitat

There could be some disturbance of feeding Bald Eagles and Peregrine Falcons during the winter and during migration. However, the land area being utilized for mining activities during any one year will be relatively small; and these impacts would not be significant.

Since no Peregrine Falcons or Bald Eagles nest in the area, there will be no impact on nesting populations of these species.

Since the prairie dog town in the area is more than one-half mile from land to be disturbed by mining activities, the potential effects on Black-footed Ferrets (if present) would not be significant.

7. Where impact is identified to listed or proposed endangered species or critical habitat, a discussion of the efforts that will be taken to eliminate any adverse effects

There will be no significant impact to listed or proposed endangered species or critical habitat. Therefore, no efforts to eliminate impacts are necessary.

8. Pertinent portions of an environmental impact statement, environmental assessment, professional publication, and other relevant references

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Clark, Tim W., 1973, Prairie Dogs and Black-footed Ferrets in Wyoming; Proc. Black-footed Ferret and Prairie Dog Workshop, September 4-6, 1973, South Dakota State University, Brookings.

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- Corr, Patrick O., 1969, Bald Eagle Nest Ecology, federal aid in Fish and Wildlife Restoration, unpublished, 11 pp., available at Conservation Library, Denver Public Library.
- Chrest, H.R., 1964, Review of the Literature: The Bald Eagle, special report, Colorado State University IN: Ohlendorff and Ohlendorff, 1968, Bibliography of Raptors, Pt. 1, Section 1.
- Edwards, Clyde C., 1969, Winter Behavior and Population Dynamics of American Eagles in Utah, Ph.D. Thesis, Brigham Young University, Provo, Utah, 156 pp.
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- Snow, Carol, 1972, Habitat Management Series for Endangered Species, Rept. No. 1, American Peregrine Falcon Falco peregrinus anatum and Arctic Peregrine Falcon Falco peregrinus tundrius, U.S. Bureau of Land Management Technical Note.
- Snow, Carol, 1973, Habitat Management Series for Endangered Species, Rept. No. 5, Southern Bald Eagle (Haliaeetus leucocephalus leucocephalus) and Northern Bald Eagle (Haliaeetus leucocephalus alascanus), U.S. Bureau of Land Management Technical Note.

Wyoming Game and Fish Department, 1977, Current status and inventory of
wildlife in Wyoming, Wyoming Game and Fish Department, Cheyenne.